

## **REMARKS**

This application was filed with 18 claims. Claims 1-18 have been rejected. Therefore, Claims 1-18 are pending in the Application. Reconsideration of the application based on the pending claims and arguments submitted below is respectfully requested.

### **Claim Rejections - 35 U.S.C. § 102(b)**

Claims 1-18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Zak.

Claim 1 recites “a rectifier, coupled between the isolation transformer and the DC bus, that provides a rectified voltage to the capacitor and the control power supply when the contactor is in the open position”. The Office action takes the position that element (40) in Zak is the control power supply of claim 1 and that rectifier (53) is the rectifier of claim 1. However, the rectifier 53 in Zak clearly does not provide a rectified voltage to element (40). This is because Zak does not address the problem of providing power for the control circuit without using a battery. In fact, Zak states in the Abstract that a backup system provides DC power from a battery (25, 26) to the holdover capacitors (19,20). Thus, Zak teaches away from the present invention

The differences between the present invention are further evidenced by the fact that the contactor (14) of Zak is not coupled to a first converter. The Office Action takes the position that the first converter in Zak is element (16). However,

element (16) is a rectifier, not a converter, and the contactor of Zak is coupled to the rectifier (16). Thus, Zak does not anticipate the present invention as recited in claim 1.

Claims 2-12 depend from claim 1 and, thus, are allowable for all of the reasons set forth above with respect to claim 1.

Claim 13 recites “a contactor coupled to the utility side converter”. As discussed above, Zak has the contactor (14) connected to the filter 15 and rectifier 16, not the converters 21 or 55. Also claim 13 recites “supplying rectified voltage from the rectifier to the capacitor when the contactor is in the open position”. Conversely, Zak provides power from the rectifier 16 to the capacitors 19 and 20 when the contactor 14 is closed, not open. Zak uses batteries 25 and 26 to charge the capacitors 19 and 20 when the contactor is open.

Claims 14-18 depend from claim 13 and, thus, are allowable for all of the reasons set forth above with respect to claim 13.

Therefore, for all the reason set forth above, the rejection of Claims 1-18 under 35 U.S.C. § 102(b) should be withdrawn and the application passed to allowance.

Applicant has commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as appropriate. Furthermore, while these remarks may employ shortened, more

specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against these references.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,



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## CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this Response and Amendment in Application Serial No. 10/813,550 having a filing date of March 31, 2004 is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

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Jason L. Hornkohl

  
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Date